

Remarks

The Office Action/Restriction Requirement dated September 15, 2008 has been considered. Responsive to the September 10, 2008 telephone conversation with the Examiner, Applicants hereby elect Group I (Claims 1-10 and 17-20), without traverse, for prosecution on the merits in connection with the above-identified application.

Please withdraw the remaining non-elected claims of Group II (Claims 11-16) from consideration at this time without prejudice to Applicants' right to file divisional applications thereon.

Claim Rejections – 35 USC § 103

In the Office Action, claims 1-10 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 20010047106, based on an application by Aichinger et al. (Aichinger). The examiner acknowledges that Aichinger does not “explicitly teach the recited pressures” that are found in the current application. Office Action page 4. The examiner goes on to assert that the “differences in process parameters such as pressure are well within the motivation of those of ordinary skill.” *Id.* The Applicants respectfully disagree with the examiner's assertion.

Aichinger discloses the typical conditions for the invention disclosed therein. Aichinger ¶ 0040. Those conditions include a pressure component that is “preferably atmospheric or reduced pressure (so that the cleavage products evaporate immediately).” *Id.* The example of the procedure in Aichinger recites an operating pressure of 1 atm. Aichinger ¶ 0070. Additionally, claim 11 of Aichinger claims a process “wherein the cleavage is carried out at reduced pressure (<1 atm).” Aichinger, cl. 11. One atmosphere is equal to 1.01325 bar.

The current invention claims processes wherein the pressure is at least 10 bar. Claims 1, 2, and 10. Therefore, the current invention claims a process wherein the pressure is almost 10 times the pressure recited in Aichinger. This nearly 10 fold difference does not qualify as a simple difference in a process parameter for two reasons.

First, there is no motivation for one having ordinary skill to choose a process having such a large pressure difference from the reference (Aichinger). Aichinger discloses only 1 atm of pressure in the example set forth. Claim 11 and the specification in Aichinger do not provide any motivation to increase that pressure beyond what is recited and instead teach and claim low pressure in the process. The current invention discloses processes utilizing a pressure of at least 10 bar. A person having ordinary skill in the art would have no motivation to choose a process parameter having at least 10 bar of pressure when the reference discloses 1 atm and no motivation to increase the pressure.

Second, a person having ordinary skill in the art would be disinclined to increase the process parameters of pressure from 1 atm to at least 10 bar because Aichinger discloses that the goal of the pressure is to help “the cleavage products evaporate immediately.” Evaporation is aided by a decreased gas pressure. The disclosure in Aichinger teaches away from increasing the pressure because an increase in pressure would decrease evaporation. A person having ordinary skill in the art would not modify the process parameters in Aichinger to utilize at least 10 bar of pressure when the disclosed goal is to evaporate the cleavage products immediately because a person having ordinary skill in the art would know that it is a decrease in pressure, not an increase, which hastens evaporation.

For the above reasons, the Applicants respectfully request the examiner allow elected Claims 1-10 and 17-20.

Conclusion

In light of the foregoing remarks and amendments to the claims, Applicants believe that the present application is now in condition for allowance, and such action is respectfully requested. If any issues remain unresolved, the Examiner is invited to telephone Applicants' counsel at the number provided below.

Respectfully submitted,

/Philip P. McCann/

Philip P. McCann
Registration No. 30,919

Smith Moore Leatherwood LLP
P.O. Box 21927
Greensboro, NC 27420
(336) 378-5302
phil.mccann@smithmoorelaw.com

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